

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-MJ-02934-Torres

UNITED STATES OF AMERICA

v.

MOISES RODRIGUEZ SANTIAGO,

Defendant.

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek M. Maynard)? No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? No
3. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No
4. Did this matter involve the participation of or consultation now Magistrate Judge Marta Fulgueira Elfenbein during her tenure at the U.S. Attorney's Office, which concluded on March 5, 2024? No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By: /s/ Lindsey Maultasch
Lindsey Maultasch
Assistant United States Attorney
Court ID No. A5502705
99 NE 4th Street
Miami, FL 33132
(305) 961-9115
Lindsey.Maultasch@usdoj.gov

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America)
v.)
MOISES RODRIGUEZ SANTIAGO,) Case No. 24-MJ-02934-Torres
)
)
)

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 09/7/2021 through 05/9/2024 in the county of Miami-Dade in the
Southern District of Florida, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2255(a)(2) Distribution of Child Pornography
18 U.S.C. § 2255(a)(2) Receipt of Child Pornography
18 U.S.C. § 2252(a)(4)(B) Possession of Child Pornography

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet.



Complainant's signature ID#26048

Timothy Augustyniak, Special Agent, FBI

Printed name and title

Attested to by the Applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by Telephone.

Date: May 10, 2024



Judge's signature

Honorable Edwin G. Torres, United States Chief Magistrate Judge

Printed name and title

City and state: Miami, Florida

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

I, Timothy Augustyniak, having been first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code. That is, I am an officer of the United States who is empowered by law to conduct investigations of, and make arrests for, violations of federal law, including the offenses enumerated in Title 18, United States Code, Sections 2422, 2423, 2251, and 2252, et seq.

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since September 2015. I am currently assigned to the Crimes Against Children Squad and the FBI Child Exploitation Task Force in FBI’s Miami Field Office. My duties include the investigation of crimes involving the sexual exploitation of minors, such as sex trafficking and commercial trafficking of minors, and the trafficking in, production of, and possession of child pornography.

3. As a federal agent, I have participated in investigations of persons suspected of violating federal child pornography and child exploitation laws, including Title 18, United States Code, Sections 2251, 2252, 2252A, and 2422. These investigations have included the use of surveillance techniques, undercover activities, interviewing of subjects and witnesses, and the planning and execution of arrest, search, and seizure warrants. I have also conducted and assisted in child pornography and child exploitation investigations, which have involved reviewing examples of child pornography in all forms of media including computer media and have discussed and reviewed these materials with other law enforcement officers.

4. The information set forth in this Affidavit is provided in support of the attached criminal complaint charging Moises **RODRIGUEZ SANTIAGO** (“**RODRIGUEZ SANTIAGO**”) with the following violations: Distribution of Child Pornography, in violation of Title 18, United States Code, Section 2252(a)(2); Receipt of Child Pornography, in violation of Title 18, United States Code, Section 2252(a)(2); and Possession of Child Pornography, in violation of Title 18, United States Code, Section 2252(a)(4)(B). This Affidavit is intended only to establish probable cause to believe that the offenses were committed. As such, it does not include each and every fact known to law enforcement about this investigation.

PROBABLE CAUSE

5. In or around January 2023, law enforcement arrested an individual involved in the receipt, distribution, and possession of child pornography (the “Subject”). A search of the Subject’s mobile phone revealed that he had distributed child pornography via a number of different platforms, including WhatsApp.¹

6. Law enforcement located conversations, dated August 24, 2021, to August 17, 2022, that the Subject had with WhatsApp telephone number ending in 4679, which was later determined to be used by **RODRIGUEZ SANTIAGO**. **RODRIGUEZ SANTIAGO** is thirty-one years old and is a resident of Miami-Dade County. In the chats, **RODRIGUEZ SANTIAGO** and the Subject exchanged child pornography, fantasized about having sex with an 11-year-old male, and **RODRIGUEZ SANTIAGO** described sexual interactions he had with a minor male.

7. On or about September 2, 2021, **RODRIGUEZ SANTIAGO** told the Subject about a sexual experience **RODRIGUEZ SANTIAGO** had with a purported 15-year-old male.

¹ The WhatsApp application (“WhatsApp”) is an internet-based instant messaging application used to send and receive messages, images, videos, mobile webpages, and other content. WhatsApp users are required to register with a phone number.

RODRIGUEZ SANTIAGO said that he met the 15-year-old male on Snapchat, and they later met in person. **RODRIGUEZ SANTIAGO** said that they had engaged in several sexual acts and at the time he did not know the male was a minor, but he learned that he was 15 years old after the encounter.

8. On or about September 7, 2021, the Subject sent **RODRIGUEZ SANTIAGO** a one-minute video of an adult male forcing a prepubescent male to perform oral sex on the adult male. **RODRIGUEZ SANTIAGO** replied: "I saw that one master. Keep sending." The Subject sent **RODRIGUEZ SANTIAGO** a one minute and twenty-six second video depicting a prepubescent male stroking an adult male's penis with his hand, then the prepubescent male performs oral sex on the adult male. **RODRIGUEZ SANTIAGO** replied: "This one is my fav. It's so explicit and clear."

9. On or about October 23, 2021, **RODRIGUEZ SANTIAGO** and the Subject talked about **RODRIGUEZ SANTIAGO** having a second sexual encounter with the same 15-year-old male they previously discussed on September 2, 2021. **RODRIGUEZ SANTIAGO** told the Subject, "It happened again. The 15 yo kid." The Subject asked, "Did u record?" Law enforcement was able to see thumbnail images showing what **RODRIGUEZ SANTIAGO** sent in reply to the Subject including: one image of what appears to be a male inserting an erect penis into the anus of another male; one image of what appears to be a male standing up with an erect penis; one image of a what appears to be a teenage male; and one image of what appears to be a male with an erect penis. **RODRIGUEZ SANTIAGO** added: "I licked EVERYWHERE. Cuz I wanted to feel his tender skin, feel that rush of being with a minor, and serve him."

10. On or about November 2, 2023, a law enforcement officer acting in an undercover capacity ("UC") began communicating with **RODRIGUEZ SANTIAGO** on WhatsApp.

RODRIGUEZ SANTIAGO sent the UC two photographs of himself. **RODRIGUEZ SANTIAGO**'s face as depicted in the photographs sent to the UC contained a similar facial structure to the photograph attached to **RODRIGUEZ SANTIAGO**'s DAVID record.

11. Also, on or about November 2, 2023, **RODRIGUEZ SANTIAGO** told the UC he has been having sexual interactions with a minor male since the minor was 14 years old. **RODRIGUEZ SANTIAGO** told the UC the 14-year-old male is now 17 years old. **RODRIGUEZ SANTIAGO** sent the UC two images of the minor male. One image of the minor male's face that was sent to the UC by **RODRIGUEZ SANTIAGO** appears to be the same image **RODRIGUEZ SANTIAGO** sent to the Subject in 2021. The second image appears to be a newer photograph of that same minor male.

12. Based on photographs and other identifying information of the minor male that **RODRIGUEZ SANTIAGO** provided in the WhatsApp chat, law enforcement was able to identify and confirm that at the time the individual was a 15-year-old male.

13. On May 1, 2024, the Honorable Lisette M. Reid authorized a federal search warrant for the person and devices of **RODRIGUEZ SANTIAGO** (case number 24-MJ-02874-REID).

14. On May 9, 2024, law enforcement executed the federal search warrant in Miami-Dade County. An on-site review of **RODRIGUEZ SANTIAGO**'s phone showed that it had an Apple ID with the name "Moises Rodriguez" and was assigned telephone number ending in 4679.

15. Law enforcement located the WhatsApp application on **RODRIGUEZ SANTIAGO**'s phone. A review of the WhatsApp application showed that the WhatsApp account name "Moises Rodriguez," telephone number ending in 4679, was currently logged in; the same WhatsApp account that communicated with the UC. A review of chats within the WhatsApp

application showed messages between **RODRIGUEZ SANTIAGO** and the UC; however, **RODRIGUEZ SANTIAGO** deleted his messages.

16. A review of chats within the WhatsApp application also showed messages between **RODRIGUEZ SANTIAGO** and the Subject. Law enforcement observed two videos of child pornography sent from the Subject to **RODRIGUEZ SANTIAGO** on or about September 7, 2021, which appeared to be the same videos law enforcement had observed through the Subject's phone.

17. Law enforcement also found chats between **RODRIGUEZ SANTIAGO** and the Subject from on or around October 22, 2021, in the WhatsApp application. The images and video that **RODRIGUEZ SANTIAGO** sent Subject appear to be the same as those law enforcement observed through the Subject's phone.

18. On May 9, 2024, Law enforcement conducted an audio-recorded interview of **RODRIGUEZ SANTIAGO**. Prior to questioning, **RODRIGUEZ SANTIAGO** was advised of his *Miranda* rights, which he stated he understood and waived both verbally and in writing. Post-*Miranda*, **RODRIGUEZ SANTIAGO** confirmed that the phone and laptop that were on his person at the time of contact with law enforcement were his, and that his phone number was 4679. **RODRIGUEZ SANTIAGO** also recalled receiving child pornography from the Subject.

19. Additionally, **RODRIGUEZ SANTIAGO** informed law enforcement that he had sexual interactions with a male who he met on Grindr. **RODRIGUEZ SANTIAGO** said that he later discovered said male was a minor, approximately 16 years old. **RODRIGUEZ SANTIAGO** said that he continued to have sexual interactions with the minor male despite learning he was a minor. **RODRIGUEZ SANTIAGO** was then shown the above referenced WhatsApp chats, dated October 22, 2021. **RODRIGUEZ SANTIAGO** confirmed that the images sent to the Subject were

of the same minor male with whom he had sexual interactions with. Specifically, **RODRIGUEZ SANTIAGO** stated that the images were of the minor male's face and erect penis and that the video depicted the minor male anally penetrating **RODRIGUEZ SANTIAGO**. **RODRIGUEZ SANTIAGO** confirmed the identity of the minor male, whose identity is known to law enforcement. Law enforcement has not yet fully examined **RODRIGUEZ SANTIAGO**'s devices seized pursuant to the search warrant.

CONCLUSION

20. Based on the aforementioned information, I respectfully submit that there is probable cause to believe that: (i) on or about October 22, 2021, Moises **RODRIGUEZ SANTIAGO** did knowingly commit the offense of Distribution of Child Pornography, in violation of Title 18, United States Code, Section 2252(a)(2); (ii) on or about September 7, 2021, **RODRIGUEZ SANTIAGO** did knowingly commit the offense of Receipt of Child Pornography, in violation of Title 18, United States Code, Section 2252(a)(2); and (iii) beginning on or about September 7, 2021, through May 9, 2024, **RODRIGUEZ SANTIAGO** did knowingly commit the offense of Possession of Child Pornography, in violation of Title 18, United States Code, Section 2252(a)(4)(B).

FURTHER AFFIANT SAYETH NAUGHT.



TIMOTHY AUGUSTYNIAK
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P.
4.1 by Telephone this 10th day of May, 2024.



HONORABLE EDWIN G. TORRES
UNITED STATES CHIEF MAGISTRATE JUDGE